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Atorneys for Defendant  
H. THOMAS MORAN, II, Court-Appointed  
Receiver of LYDIA CAPITAL, LLC

UNITED STATES DISTRICT COURT OF CALIFORNIA  
SOUTHERN DIVISION

AXA EQUITABLE LIFE INSURANCE  
COMPANY,

Plaintiff,

V.

H. THOMAS MORAN, II, Court-Appointed Receiver of LYDIA CAPITAL, LLC, and DAWSON & OZANNE, as Trustee of the Alvin Fischbach Irrevocable Trust.

## Defendants.

Case No. 3:08-cv-00569-BTM (BLM)

**JOINT MOTION FOR EXTENSION OF  
TIME FOR DEFENDANTS H.  
THOMAS MORAN, II, AND DAWSON  
& OZANNE TO ANSWER OR  
OTHERWISE RESPOND TO  
PLAINTIFF AXA EQUITABLE LIFE  
INSURANCE COMPANY'S  
COMPLAINT**

Plaintiff AXA Equitable Life Insurance Company (“AXA Equitable”) and Defendants H. Thomas Moran, II, Court-Appointed Receiver of Lydia Capital, LLC (“Mr. Moran”) and Dawson & Ozanne hereby submit this Joint Motion for Extension of Time for Defendants Mr. Moran and Dawson & Ozanne to Answer or Otherwise Respond to Plaintiff’s Complaint, and in support thereof, aver as follows:

1. On March 26, 2008, AXA Equitable filed its Complaint in this action.
2. On March 26, 2008, counsel for Mr. Moran signed a Waiver of Service of Summons and agreed to answer or otherwise respond to AXA Equitable's

1 Complaint by May 26, 2008. On April 30, 2008, counsel for Dawson & Ozanne  
2 signed a Waiver of Service of Summons and agreed to answer or otherwise  
3 respond to AXA Equitable's Complaint by May 27, 2008.

4 3. On May 1, 2008, counsel for Defendant Mr. Moran, provided counsel for AXA  
5 Equitable with information in his possession relating to the underlying claims.  
6 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with  
7 information in its possession relating to the underlying claims.  
8 5. Based on information exchanged by AXA Equitable and Defendants, AXA  
9 Equitable intends to amend its Complaint.  
10 6. In addition, the parties are convening a settlement conference which may lead to a  
11 resolution of the issues presented in the litigation. The conference was originally  
12 scheduled for early August but had to be moved due to a scheduling conflict. The  
13 settlement conference is now scheduled for September 4, 2008.  
14 7. In this light, and in order to allow the parties additional time to evaluate and  
15 discuss the underlying claims at issue, AXA Equitable, Mr. Moran, and Dawson &  
16 Ozanne respectfully move this Court for an extension until September 12, 2008 for  
17 Mr. Moran and Dawson & Ozanne to answer or otherwise respond to AXA  
18 Equitable's Complaint.  
19 8. AXA Equitable, Mr. Moran and Dawson & Ozanne have previously requested,  
20 and the Court has granted, extensions for the defendants to answer or otherwise  
21 respond to AXA Equitable's Complaint.

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1 WHEREFORE, AXA Equitable Life Insurance Company, Mr. Moran, and  
 2 Dawson & Ozanne respectfully request that the Court grant this Joint Motion for an  
 3 extension until September 12, 2008 for Defendants Mr. Moran and Dawson & Ozanne to  
 4 answer or otherwise respond to Plaintiff's Complaint.

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 6 Dated: August 28, 2008  
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8 */s/ James A. Tabb*  
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 15 DAWSON & OZANNE

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 17 AXA EQUITABLE LIFE INSURANCE  
 18 COMPANY

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18 Attorneys for Defendant  
19 H. THOMAS MORAN II, Court-  
20 Appointed Receiver for Lydia Capital, LLC

21 I, Shannon Emmons, am the ECF User whose identification and password are being used  
22 to file this Joint Motion for Extension of Time. In compliance with Electronic Case  
23 Filing Administrative Policies and Procedures Manual Section 2, f. 4., I hereby attest that  
24 S. Fey Epling and James A. Tabb have concurred in this filing.

25 August 28, 2008

26 *s/ Shannon K. Emmons*  
27 [Skemmons@phillipsmcfall.com](mailto:Skemmons@phillipsmcfall.com)

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